REMARKS

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (Claims 1, 2, 13, and 14) drawn to an isolated extracellular adhesive protein (EXADH);

Group II (Claims 3-6, 8, and 9) drawn to an isolated polynucleotide which encodes an extracellular adhesive protein, a host cell comprising said polynucleotide and a method of expressing said polynucleotide;

Group III (Claims 7 and 20) drawn to an antibody against an extracellular adhesive protein;

Group IV (Claims 10-12) drawn to a method of detecting a target polynucleotide encoding an extracellular adhesive protein;

Group V (Claims 15 and 16) drawn to a method for screening a compound for effectiveness as an agonist/antagonist of an extracellular adhesive protein;

Group VI (Claim 17) drawn to a method for screening a compound for effectiveness in altering expression of a target polynucleotide encoding an extracellular adhesive protein;

Group VII (Claim 18) drawn to a method of assessing toxicity of a test compound; and

Group VIII (Claim 19) drawn to a diagnostic test for a condition or disease associated with the expression of EXADH.

Applicants hereby elect, with traverse, to prosecute Group I, which includes and is drawn to Claims 1, 2, 13, and 14.

Applicants submit that the invention encompassed by the claims of Group III (drawn to antibodies) could be examined at the same time as the invention encompassed by the claims of Group I. For example, a search of the prior art to determine the novelty of the polypeptides would also provide information regarding the novelty of the antibodies which specifically bind to the polypeptides.

Applicants further respectfully remind the Examiner that, upon allowance of the claims to the polypeptide and composition products (Claims 1, 2, 13, and 14), the processes for using same (Claims

15 and 16) must be rejoined. See the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. 103(b)," which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. See also M.P.E.P. 821.04 as follows.

> Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. . . The claims to the nonelected invention will be withdrawn from further consideration under 37 C.F.R. 1.142. . . . However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that examination of Claims 1, 2, 7, 13, 14, 15, 16, and 20 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of the claims in Groups I, III, and V. Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,

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